

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERTO SALDANA, JR.,

Petitioner,

v.

M.E. SPEARMAN, Warden,

Respondent.

Case No. 1:21-CV-01733-DAD-HBK (HC)

ORDER DENYING RESPONDENT'S
MOTION FOR RECONSIDERATION

(Doc. No. 14)

Before the Court is Respondent's Motion for Reconsideration. (Doc. No. 14). Petitioner Roberto Saldana, Jr., a federal prisoner proceeding *pro se*, has pending a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1).

Pursuant to the Court's order requiring response to the petition for writ of habeas corpus, Respondent was directed to respond to the grounds raised in the petition, by filing either an answer or a motion to dismiss, and to electronically file all transcripts and other documents necessary for resolving the issues presented in the petition. (Doc. No. 10 at 2). Specifically, Respondent was directed to include all relevant portions of the state court proceedings "as separate exhibits," and include an "electronically bookmarked index with sufficiently detailed bookmarks that identify the title of each exhibit and the page location within the record as filed in CM/ECF." (Doc. No. 10 at 2-3).

Respondent asks the undersigned "for reconsideration of that part of the order that directs

1 the lodging of the record include ‘an electronically bookmarked index’ with respect to the record”
2 because “Respondent knows of no way to accomplish what this Court has directed.” (Doc. No.
3 14 at 1). Respondent indicates that it is “not possible to lodge the entire record as a single .pdf
4 file, so that it could have a bookmark index with links to locations in that same .pdf file” because
5 the “a normal state court document exceeding even about 500 pages becomes unwieldy even to
6 save and open” and “easily can exceed the size limit for a single uploaded file.” (Doc. No. 14 at
7 1-2).


8 This argument is not well taken. The Court consistently receives filings well above 500
9 pages in a single .pdf file that includes an electronically bookmarked index. Indeed, the certified
10 administrative record in social security cases exceed over 1000 pages. The Court additionally
11 confirmed with information technology specialists, and the CM/ECF project manager in the
12 Eastern District of California, that there is no barrier to filing large .pdf documents with an
13 electronically bookmarked index in CM/ECF. The Court suggests that, were the .pdf file so large
14 that it could not be filed as a single upload file, Respondent could file portions of the record with
15 their own corresponding electronically bookmarked index if necessary.

16 Finally, despite Respondent’s argument to the contrary, the Court’s order does not direct
17 that Respondent file a bookmarked index that links to locations across multiple separate .pdf files.
18 (Doc. No. 14 at 2). Rather, the Court is directing Respondent to file each transcript and document
19 as a separately identified exhibit and that the index “identify the title of each exhibit and the page
20 location within the record as filed in CM/ECF.” (Doc. No. 10 at 2-3).

21 Accordingly, it is **ORDERED**:

22 The Court DENIES Respondent’s Motion for Reconsideration (Doc. No. 14) and directs
23 the Respondent to provide all transcripts and other documents as separate exhibits, with an
24 electronically bookmarked index, as per the Court’s order. To the extent that the Respondent
25 requires assistance, they may contact the Clerk of Court’s Office for further instruction.

26 Dated: March 23, 2022

27 
28 HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE